



# City of Tukwila

Department of Community Development

Jim Haggerton, Mayor

Jack Pace, Director

July 18, 2012

Jason McKinney  
Anchor QEA, LLC  
720 Olive Way, Suite 1900  
Seattle, WA 98101

RE: Requested Shoreline and SEPA Exemption for Jorgensen Forge Corporation NPDES Remedy Project

Dear Mr. McKinney:

Thank you for your June 1, 2012 letter requesting an exemption from a shoreline substantial development permit and SEPA for repair activities to the Jorgensen Forge stormwater treatment system at 8531 East Marginal Way South, along the Lower Duwamish River. I apologize for the delay in responding to your inquiry.

## Background

As you note in your letter, the Jorgensen Forge site is subject to a Level 3 Corrective Action and Administrative Order (AO), Docket #8682. As part of the AO, Jorgensen Forge must have an operational stormwater treatment system designed to meet NPDES requirements by September 30, 2012. The purpose of the proposed project is to repair the existing stormwater conveyance system so that the stormwater discharged from the site into the Duwamish River meets current benchmark values, as specified in the Industrial Stormwater General permit WAR003231. The Jorgensen Forge facility has been operating under an industrial stormwater permit since 1998. The system operated within compliance of the permit until 2008, when discharges exceeded benchmark thresholds.

## Proposed Project

To comply with the AO, Jorgensen Forge proposes to renovate and repair the existing stormwater conveyance system. The current system includes three pipes that collect surface flows from the site and discharges into the Duwamish River. The project would intercept flows from the three pipes with a new pipe located approximately 110' to 150' feet from the OHWM. The pipe would be approximately 250 feet long and located approximately 12 to 15 feet underground and the same general elevation as the existing pipes. The interceptor pipe would terminate at the third pipe (the pipe that is the furthest north). A vault would be installed in order to manage flows where the pipes connect to minimize the potential for pipe failure. You provided the attached illustration of the proposed routing of the piping system.

Flows would be carried from the vault to a modular above-ground equalization tank and to-be-determined treatment technology outside of the shoreline jurisdiction. Flows from the treatment system would then go back into the existing pipe and allowed to discharge into the Duwamish River. No new outfalls are proposed as part of this project, no existing outfalls will be modified and the stormwater conveyance from the site will be at equal or smaller volumes than existing conditions.

All work would be located outside of the 100-foot buffer identified for the High Intensity shoreline environment.

### Discussion

WAC 173-27-040 (2) (b) defines normal maintenance or repair as "...a means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance...Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment."

The proposed project meets the definition of normal maintenance or repair as set forth above. The proposed renovations and repairs to the existing stormwater treatment system are common methods of repair when stormwater conveyance systems fail to meet benchmark discharge requirements. The repair has been designed to meet only current stormwater benchmark thresholds as mandated in the AO issued by Ecology. The repairs will convey only existing stormwater flows as intended when the original stormwater system was constructed. The conveyance capacity of the system will not increase.

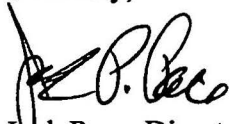
### SEPA Exemption

You have also requested an exemption for this project under WAC 197-11-800 (3), Repair, remodel and maintenance activities. This section of the WAC states that "...repair, remodeling, maintenance or minor alteration of existing private or public structures, facilities or equipment, including utilities involving no material expansions or changes in use beyond that previously existing..." is exempt from SEPA. We concur that this project meets the exemption stated in WAC 197-11-800 (3).

Decision

The request for an exemption from applying for a shoreline substantial development permit and SEPA is approved. If you have any questions, please call me at 206-433-3670 or Carol Lumb at 431-3661.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Pace", is written over a horizontal line.

Jack Pace, Director  
Department of Community Development

cc: Nora Gierloff, Planning Manager, Department of Community Development  
David Pater, NW Regional Office, Department of Ecology